

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN CHANCE DUPREE THOMAS,)	8:19CV278
)	
Plaintiff,)	
)	MEMORANDUM
v.)	AND ORDER
)	
CPL CALIRI, <i>et al.</i> ,)	
)	
Defendants.)	

On August 1, 2019, the court entered an order giving Plaintiff 30 days to show cause why this case should not be dismissed for failure to pay the initial partial filing fee of \$6.03 (Filing 7). On August 14, 2019, Plaintiff filed a motion for extension of time (Filing 8), requesting an additional 60 days to pay the initial partial filing fee.

Plaintiff's motion will be denied because Plaintiff has not shown that the failure to pay the initial partial filing fee was caused by circumstances beyond his control. Plaintiff merely states that he spends all of his average monthly income of \$47.50.

As the court explained in its order granting Plaintiff leave to proceed in forma pauperis (Filing 6), which was entered on June 28, 2019, the Prison Litigation Reform Act requires the payment of an initial partial filing fee in the amount of 20 percent of the greater of Plaintiff's average monthly account balance or average monthly deposits for the six months preceding the filing of the Complaint. Plaintiff's average monthly deposits were \$30.16, and he was ordered to pay 20 percent of this amount within 30 days. The court advised Plaintiff that he could request an extension of time if one was needed, but he did not do so within the 30-day period.

IT IS THEREFORE ORDERED that Plaintiff's motion for extension of time (Filing 8) is denied.

DATED this 15th day of August, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge